



Alabama Geologist

A Publication of the Alabama Board of Licensure for Professional Geologists

Volume 1 Issue 4

February 1999

Enforcement

By: Thornton "Tony" Neathery

Over the past year, the Board has received several complaints from Licensed Professional Geologists regarding companies are conducting the public practice of geology without licensed professional geologists on staff or geologists practicing in Alabama who do not hold a valid Alabama Professional Geologist License. The Board has actively pursued resolution of these allegations. Normal procedure in following up an allegation is: (1) A letter of inquiry requesting information on the allegations or complaint from the involved parties; (2) If sufficient grounds of violation are found or no response is received, a letter of warning to cease practice that is in violation of law or become licensed; (3) If there is continued practice without resolution, a notice of violation (NOV) is sent to the violating party with notice to cease; (4) If continued violation occurs, an injunction is filed against the violating

party to cease and terminate all business practice. At this point the violation become a criminal act and is subject to prosecution under the laws of the State of Alabama.

All allegations of mis-doings or suspect illegal companies conducting the public practice of geology presented to the Board are and have been addressed; some have been resolved to the satisfaction of the Board, others are under continuing investigation. Consulting engineering companies may hire licensed consulting geologists to assist them in completion of projects as provided by law. In such cases, the geologist must be actively involved in the work effort and sign off as the responsible party; not just simply review the report and sign for a fee (see Ethics story this issue). During 1998 the Board received nine notices of possible violation of the geologist practice act.

Eight of these allegations have been resolved and investigations are continuing in one case. The Board continues to seek ways to improve its enforcement activities and to review allegations of wrong doing. Participation in the enforcement activities in Alabama is a responsibility of ALL Licensed Professional Geologists. If you witness or suspect illegal practice of public geology, please contact the Board immediately. The Board is pleased to note that the state regulatory reviewers are among those who have filed complaints of unlicensed practice and other violations. All geologic reports or reports that are public information containing original geologic evaluations or interpretations such as hydrogeologic assessments, cross sections, well head protection reports and geologic logs should be signed and sealed by an Alabama Licensed Professional Geologist.

Ethics

By: Thornton "Tony" Neathery

Selling one's signature for use on documents submitted to regulatory agencies in compliance with public welfare concerns is a violation of the Professional Ethics Part of the Professional Geologist's licensing rules. Over the past several months the Board has received several allegations from Alabama Licensed Professional Geologists that geologic work was being submitted for regulatory review which was not performed by the geologist signing the documents. The Board has begun investigations into these allegations.

The Board recognizes that many geologists licensed in Alabama work as subcontractors for others in completing various phases of regulatory work. When this relationship is used to complete reports, it is incumbent upon the geologists to make clear in the body of the report that he/she is a subcontractor and by signature certifies the geologic data and the interpretation of the data.

All licensed Alabama Geologists should be careful as to how their signatures are used on documents submitted for regulatory review. When a geologist signs a document attesting to the correctness of the data and the interpretation of that data, he/she assumes the legal liability for that work. Should the work have problems, it is the geologist who will suffer the consequences. If you are approached by any one who asks you to sign off on work done by others in which you have played no part in the data acquisition or interpretation, or if there is any question about your participation, you are advised to contact the Alabama Board of Licensure for Professional Geologists immediately.

Board Appointment

We are pleased to announce a new appointee to the Board, Mr. David J. Bowers. He will represent the geology mining industry. He has been appointed for a three-year term and took his oath of office, along with other Board members, on January 21, 1999. We are very pleased to have the opportunity of working with Mr. Bowers and appreciate him volunteering his time to serve on the Board.

ASBOG Notes

The National Association of State Boards of Geology (ASBOG) meeting was held in Charleston, SC. on October 12-18, 1998. Alabama PG Board Chairman Tony Neathery and Executive Secretary Keith Warren attended. The first two days were devoted to a review of the Fall, 1998 ASBOG Fundamental and Practice tests. Each question on each test was carefully reviewed and statistically equated to the pass-fail criteria of the individual examination. Through this review process, each applicant can be assured that fairness is employed in the structuring of the examination and in the grading.

ASBOG is developing a new Task Review questionnaire to determine the relevancy of the individual questions of the examinations. The first Task Analysis done in 1995 demonstrated that the work done by most geologists across the country was very similar in type, nature and complexity. By surveying a broad cross section of the licensed geologist population, the content of the ASBOG examination becomes a meaningful measurement of the minimum competency for licensure/registration.

The question of professional ethics continues to be a major topic of discussion between the various licensure/registration boards. Professional ethics for geologists was discussed in broad terms ranging from use of previously acquired data for one client to its use for another client; selling of signatures; misrepresentation of personal qualifications; misrepresentation of data; inadequate depth of investigation for client; poor investigations of sensitive problems; need for standardization of ethics violations; etc. Several Boards discussed the need for sharing information on ethic violations of licensed/registered geologists so as to keep unethical and untrained people from practicing geology. All Boards have mechanisms for investigating complaints and enforcement of Board regulations. It is incumbent on all of us to practice good ethical professional judgment. If you have any questions about any quality of work done by licensed geologists in the State of Alabama, please contact the Board.

Several delegates expressed concerns over the apparent lack of participation by the academic community in encouraging students to participate at the professional level, especially in registration and licensing requirements. Professional registration is a fact of professional life, it will not go away. The current students should be encouraged to begin preparation for licensure/registration process by taking the ASBOG Fundamental Examination as soon as they graduate. In most states, not all, individuals passing the Fundamental examination are accorded a type of "Geologist-in-Training"

certificate. One state uses the ASBOG Fundamental Examination as an exit examination for all graduating seniors. Several other states have shown interest in utilizing the Fundamental Examination as a part of the graduating process.

Although only two states currently have mandatory continuing education requirements, several states have volunteer requirements. Several delegates indicated that their Boards were seriously considering making continuing education a requirement for renewal of license/registration. Rules, regulations, and methodology in the sciences are changing so fast that continuing education to adequately compete in the work place is needed.

Other work included discussions regarding government competition with private industry, especially in the area of environmental work, and the perception of geologists and the geologic profession by law makers and the public.

The round table discussions afforded by the ASBOG meeting highlight the common interest of the profession, and provides an opportunity to share common interests and concerns that apply to the licensure/registration process.

Web Page

The ABLPG now has its own web page. The address for this web page is www.algeobd.com. We included all the information needed for licensure except the application which can be obtained via mail from the Board office. We will be adding some information that is currently not included and establishing a link to ASBOG (National Association of State Boards of Geology). We would like to thank Ms. April Barnes and Mr. Jim Barnes of Auburn University for their hard work developing this web page for the Board.

1999 Examination Schedule

The Fundamentals and Practice examinations are scheduled for March 19, 1999 and September 17, 1999. Persons who anticipate taking these examinations are urged to contact the Board Office as soon as possible to make application. The cut-off date for the March examination is February 15, 1999 and the cut-off for the September examination is August 15, 1999. The Fee for taking these examinations is \$150 each. Fees are assessed by ASBOG to cover the cost of test preparation, grading and review. Fees are made payable to the Alabama Board of Licensure for Professional Geologists.

1999 Board Meeting Schedule

The Alabama Board of Licensure for Professional Geologists has now established a schedule for their meetings. Beginning in January, the Board will meet every third Thursday of every other month. The meetings begin at 10:00 a.m. and are located in the Board Office Conference Room, Suite 394. If you wish to attend any of these meetings, please call to confirm the date and time.

Petroleum Sector: An Industry In Crisis

By: Roger M. Chapman

Oil producers in our area have been selling their crude oil below \$10.00/barrel for quite some time. The actual posting price for AL/FL panhandle crude was \$7.75 in mid-January 1999. Many wells are presently uneconomical at the current historic low prices.

Producers and several industry groups (PTTC and DOE) are attempting to educate the decision makers at the national, state, and local levels about the severity of this crisis and the impact it is having, and will continue to have, on national security and the national, state, and local economies. Only so much can be done to reduce the overall cost of producing wells, and the current prices for oil are still too low to continue to operate. One local producer has cut overhead charges by 25% in an effort to keep the wells profitable for the non-operating interests. But in order to achieve this reduced overhead, several workers lost their jobs. Gasoline and diesel fuel prices at the wholesale level are averaging 35 to 38 cents/gallon (without taxes). A bottle of water is \$1.29 and a gallon of unleaded gasoline is \$.99.

How things change! As a petroleum geologist, I have seen the hills and valleys of my chosen profession for the last 15 years, but if, when I graduated from college with a degree in geology, someone had told me crude would sell for less than \$10.00/barrel in 1999, I might have reconsidered. Let's hope oil prices improve significantly for everyone involved in the petroleum business.

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Continuing Education

By: Bob Cook

There have been a series of recent inquiries about the acceptability of specific professional activities toward fulfillment of the continuing education requirement. Members of the Board have met with members of the Atlanta Geological Society and the East Tennessee Geological Society to discuss the most commonly asked question—"do technical or professional presentations at monthly meetings of professional societies count toward satisfying the continuing education requirement." After considerable discussion the Board has decided that within certain limits attendance at these presentations is acceptable for a maximum of five (5) PDH credits per biennium. For such credit, the society must keep on file meeting attendance records and information such as abstracts for talks given on specific dates. Meetings claimed for credit must be specified on the biennial reporting sheets so that attendance and acceptability of the presentation can be verified by the Board through the society. Implicit in this is the understanding that not all talks will be of the same quality, length and value from the continuing education stand point. We ask that you claim only those talks that will clearly have continuing education value. A similar question exists relative to attendance at formal university

seminars by persons not formally registered. For example, many universities have a seminar course offered each quarter for their students. Most of these "seminars" are actually guest lectures or presentations by experts outside of the university. Continuing education guidelines clearly establish a maximum of five (5) PDH credits for attendance at these for any biennial period. Should interested persons from beyond the university who would like to attend these lectures receive credit up to the five hours allocated? Certainly, as long as attendance records are kept by the sponsoring Department of Geology such that verification can be made if needed.

Finally, it was gently pointed out that there is an inconsistency in the 1997-1998 Continuing Education Guidelines booklet recently sent to you. Please ignore the example of how PDH credit is calculated for college or university geoscience courses shown on page 6 of the booklet. It is incorrect. The actual conversion is 15 PDH per semester hour 10 PDH per quarter hour of course credit as indicated on page 3 of the booklet and in section 330-X-13-02 of the Administration Rules. This applies only to formal courses and not seminar or similar guest lecturer courses as described above.

New Environmental Regulations Recognize Professional Geologists

By: Fred Mason, Government Representative

New environmental regulations that include the definition of Licensed Professional Geologists are in the process of being finalized by the Alabama Department of Environmental Management (ADEM). These new regulations are included in sections of existing programs under ADEM Division 6 Water Quality Program, Confined Animal Feeding Operations, XXX Division 7 Water Supply Program, Source Water Protection, and Division 14, Hazardous Waste Program.

Animal Feeding Operations and Concentrated Animal Feeding Operations Rules contained in Division 6 Water Quality Program Regulations Chapter 335-6-7 require that the public practice of geology be conducted or certified by a Professional Geologist Licensed in Alabama. The rules also define Professional Engineer and Qualified Credentialed Professional. These regulations are due to take affect on April 1, 1999.

The Water Supply Program Division 7 Regulations, Chapter 335-7-5, were brought before the Environmental Management Commission (EMC) on December 8, 1998. The EMC approved the regulations and voted to adopt them. These regulations include a definition for a Professional Geologist and requirements that all new public water supply wells include a geologic log. The geologic log can be made on site or samples can be bagged and delivered to a Professional Geologist for geologic log preparation. This is significant to

many of us who have tried to interpret and identify formations and aquifers from drillers logs. Some other significant changes have been made to the Well Head Protection rules.

The Division 14 Hazardous Waste Program regulations have been revised to include the definition of a Professional Geologist. Other references are also made requiring PG's to prepare ground water monitoring plans and hydrogeological parts of assessments for detected releases. These regulation changes are due to be voted on by the Environmental Management Commission on February 16, 1999 and if approved will be effective on April 1, 1999.

It is recommended that you get copies of these regulations and evaluate how they may affect your business operations. The ADEM Web site can be accessed on the internet at WWW.ADEM.STATE.AL.US and has a regulations section that can be reviewed. You can also call the ADEM and order a hard copy from the legal department. We continue to work toward similar changes in other individual ADEM regulations so that the Alabama Professional Geologists Licensing Act can be fully recognized and implemented in all applicable programs.

We urge those of you who are employed in other agencies to work to recognize the Alabama Professional Geologists Licensure Act in your regulations.

Executive Secretary Notes

The Board has finally reached the milestone of licensure renewals. We began sending renewal notices in the Fall of 1998 and received a good response. If you are not sure when your license expires, please look at your effective date on your certificate and add two years. You will also receive a renewal notice and information sixty days prior to your expiration. Simply read the information received, complete the form, attach the renewal fee of \$100.00 and mail back to the Board office. You will then receive your new two-year license in the mail in a few weeks.

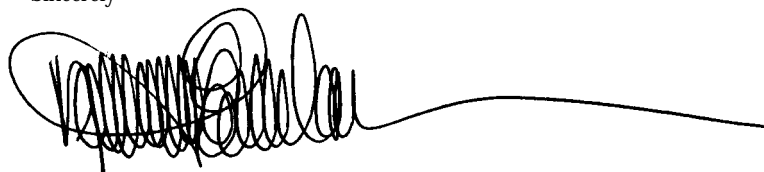
I would like to emphasize again that we need your help to keep your records current here at the Board office so that we can continue to communicate effectively with you. Please contact the Board when you move and update your address and telephone number so we can notify you of license renewals, or receive newsletters and other information mailed from this office.

We are proud to announce a new Board member, Mr. David R. Bowers, Jr., who will be representing the mining geologists. Mr. Bowers was appointed for a three-year term to the Board. We are happy to have the opportunity to work with Mr. Bowers.

We are also pleased to announce the web page for the ABLPG. The address is listed in the newsletter. Please refer anyone who is interested in becoming licensed as a professional geologist to this site.

Please do not hesitate to contact me or any member of the staff if we can ever be of any assistance to you. We are always interested in your comments and look forward to continue working with you in the future.

Sincerely



Keith E. Warren
Executive Secretary

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